Norman Perlberger, Esquire Eliot H. Lewis, Esquire POMERANTZ PERLBERGER & LEWIS LLP 21 South 12th Street, 7th Floor Philadelphia, PA 19107 (215) 569-8866 nperlberger@ppl-law.com ehlewis@ppl-law.com Attorneys Pro Hac Vice for Plaintiff

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

JOANNE ELIZABETH CLEVELAND, : CASE NO. CV 07 5642 BZ

CYNTHIA DANIELS, LAURA FUJISAWA, :

CAROLINE HOWE and TRACEY MOORE : STIPULATED REQUEST FOR

Plaintiffs : ORDER EXTENDING TIME FOR : HEARING ON DEFENDANT NMS'

vs. : **PETITION FOR 1292** (b)

CERTIFICATION

:

COMPASS VISION, INC. and

NATIONAL MEDICAL SERVICES, INC.

d/b/a NMS LABS

Defendants: Date: April 16, 2008

Time: 10:00 a.m.

: Courtroom: G

: Judge: Hon. Bernard Zimmerman

STIPULATION

It is herein requested by involved counsel that an Order be issued extending the time for the hearing on Defendant NMS' Petition for Section 1292 (b) Certification, to April 30, 2008 and that consequently the date for the of filing plaintiffs' response would be enlarged until April 9, 2008. The hearing is currently listed for April 16, 2008, as indicated in the above caption.

The reason for the request to extend the hearing and time for response is that due to a clerical error that inadvertently placed said Petition in the file prior to attorney review, the Petition,

which was filed on March 6, 2008, only became known to the undersigned attorney for plaintiffs

shortly before the March 24, 2008 Case Management Conference, wherein counsel had indicated

to this Court plaintiffs' intention to oppose the Petition. This was compounded by an error by

undersigned attorney for plaintiffs mistaking the date for response as being April 2, 2008, rather

than March 26, 2008.

While there was a previously requested time modification in this case, it was made moot by

the Court's Order of February 29, 2008 denying the Motions to Dismiss and Strike. The only

effect of the requested time modification on the case would be the two week delay of the

currently scheduled hearing on the Petition.

Defendant Compass Vision did not join in Defendant NMS' Petition for Section 1292 (b)

Certification and thus counsel for Compass Vision is not part of this stipulation.

Dated: March 31, 2008

For Plaintiffs

For Defendant National Medical Services, Inc.

BY: /s/

BY: /s/

Eliot H. Lewis, Esquire

Christian Green, Esquire

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated:

March 31, 2008

Hon. Bernard Z

United States Magistrate Judge

STIPULATED REQUEST FOR ORDER EXTENDING TIME

Case No. 07 CV 5642 BZ

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